



## Physical Therapy Board of California

### Consumer Protection Services Program

2005 Evergreen St. Suite 1350, Sacramento, California 95815  
Phone: (916) 561-8200 FAX: (916) 263-2560  
Internet: [www.ptbc.ca.gov](http://www.ptbc.ca.gov) EMAIL [cps@dca.ca.gov](mailto:cps@dca.ca.gov)



## STATEMENT OF RIGHTS

**Philip Lim, PT**  
**34 Marsala**  
**Irvine, California 92606**

You are hereby served with a citation issued by the Executive Officer of the Physical Therapy Board of California (PTBC).

This citation is being issued in accordance with Business and Professions Code Section 148 and Title 16 of the California Code of Regulations Sections 1399.25 – 1399.29. If you do not wish to contest the issuance of the citation, please transmit to the PTBC the amount assessed in the citation as an administrative fine within thirty (30) days from the date of issuance of the citation or assessment.

### Notice of Appeal – Informal Conference

If you wish to contest the basis on which the citation was issued, the assessment of the administrative fine, or bring any mitigating circumstances to the attention of the PTBC, you must so request in writing to the Executive Officer within ten (10) days after receipt of the citation. A form, ("Notice of Appeal"), is provided for your convenience, although it is not imperative that you use this particular form. If you fail to notify the Executive Officer within the allotted time, the citation will be deemed as final. The time in which to file a request for an informal conference may be extended by the Executive Officer upon showing of good cause. There is no need to call the PTBC, as PTBC staff will not discuss your citation with you. The informal conference is your opportunity to discuss the citation with the Executive Officer.

The informal conference may be held by telephone or if preferred, in person, with the person cited, and/or his or her legal counsel or authorized representative. All informal conferences are tape recorded whether conducted by telephone or in person. Any or all aspects of the citation may be contested, including: occurrence of the violation; period of time allowed for the correction; amount of the administrative fine; or any order of abatement.

The Executive Officer will hold the informal conference within thirty (30) days from receipt of the request, and make a decision within 10 days after the informal conference.

### Notice of Appeal – Administrative Hearing

Whether or not you request an informal conference, you may request a formal administrative hearing. To do so, your request must be made in writing to the Executive Officer within 30 days of issuance of the citation. **If you don't request an administrative hearing within the 30 days following the issuance of the citation, you will not be able to request one later**, unless the informal conference, if one was requested, results in modification of the original citation. If the informal conference results in a modification of the citation, the citation originally issued shall be considered withdrawn, and a new, modified citation is issued. This means that if your citation is modified, and you wish to have an administrative hearing on the modified citation, you must re-request, in writing, an administrative hearing within 30 days of issuance of the modified citation.

After the informal conference decision is issued, you will have the opportunity to withdraw your request for an administrative hearing. If your request is not withdrawn, or if an administrative hearing was requested instead of an informal conference, a hearing will be arranged before an administrative law judge. The judge will prepare a proposed decision containing findings of fact, and either affirming, modifying, or vacating the Citation. Then the proposed decision will be presented to the PTBC Board Members for their consideration. The proceedings under this section shall be conducted in accordance with the provisions of the Administrative Procedure Act (commencing with Section 11500) of the Government Code.

If the PTBC, after the hearing, affirms the issuance of the Citation, you will be required to comply with the Citation, including any order of abatement and payment of any fine, as well as comply with other stipulations within the Citation decision.

Pursuant to Section 1399.25 (e) of the California Code of Regulations, citations are a matter of public record for five (5) years from the date of issuance, or, if subsequent citations have been issued, for five (5) years from the date the last citation was issued to a licensee.



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**CITATION # 13-14-0029**

**Philip Lim, PT**  
**34 Marsala**  
**Irvine, California 92606**

**CASE # 1D 2013 73713**

### **CITATION**

The Physical Therapy Board of California (PTBC) has determined you have violated sections of the law regulating the practice of physical therapy. Documented information obtained by the PTBC confirms you were convicted of a crime which is substantially related to the practice of physical therapy. Therefore, a citation is hereby issued to you in accordance with Section 125.9 of the Business and Professions Code for the violations described below.

### **FIRST CAUSE OF CITATION**

Business and Professions Code Section 2660(d)

*Conviction of a crime which is substantially related to the qualifications, functions, or duties of a physical therapist. The record of conviction or a certified copy thereof shall be considered conclusive evidence of that conviction.*

You are subject to a citation and fine under Section 2660 (d) of the of the Business and Professions Code in that on or about July 23, 2013, you were convicted of a misdemeanor violation of Vehicle Code 23152(a): Driving Under the Influence of Drugs or Alcohol and a misdemeanor conviction of Vehicle Code 23152 (b): Driving with a BAC Greater than 0.08% in the Superior Court of California, County of Orange, case number 13WM04486 M A. You were placed on probation for 3 years with terms and conditions, and ordered to complete a 3 month 1<sup>st</sup> offender program, attend a Mother's Against Drunk Driving Victim's Impact Panel, and pay restitution and fines.

### **SECOND CAUSE FOR CITATION**

Business and Professions Code Section 2660 (h):

*...violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the Medical Practice Act.*

and Business and Professions Code Section 2239:

*...the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or*

**CITATION # 13-14-0029**  
**CASE # 1D 2013 73713**

*to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely, constitutes unprofessional conduct.*

You are subject to a citation and fine under Sections 2660 (h) and 2239 of the Business and Professions Code in that on or about July 23, 2013, you were convicted of a misdemeanor violation of Vehicle Code 23152 (a): Driving Under the Influence of Drugs or Alcohol and a misdemeanor conviction of Vehicle Code 23152 (b): Driving with a BAC Greater than 0.08% in the Superior Court of California, County of Orange, case number 13WM04486 M A.

**ORDER**

Further, **you are ordered to pay a fine of \$400.00** to the PTBC within thirty (30) days of the date of issuance of the citation or assessment.

If you wish to contest all or any part of this Citation, complete the enclosed "Notice of Appeal" form and return it to this office within ten (10) days after receipt of this Citation. The date indicated on the order of abatement will be held in abeyance only for any violation(s) you wish to contest. The time to correct all uncontested violations will be adhered to as specified. In the alternative, you may, within thirty (30) days of the date of issuance of the citation or assessment, request a formal administrative hearing before an administrative law judge under the Administrative Procedure Act.

**FAILURE TO RETURN A REQUEST FOR INFORMAL CONFERENCE AND/OR ADMINISTRATIVE HEARING WITHIN THE TIME INDICATED WILL CONSTITUTE A WAIVER OF YOUR RIGHT TO ADMINISTRATIVELY CONTEST OR APPEAL THIS CITATION.**

FOR YOUR PROTECTION AND TO ENSURE PROPER CREDIT, PLEASE RETURN A COPY OF THE CITATION AND NOTE THE CITATION NUMBER ON YOUR CHECK OR MONEY ORDER.

August 20, 2013  
Date Issued

Original Signed By:  
JASON KAISER  
Executive Officer

## ORDER OF ABATEMENT

Citation Against: Philip Lim

Citation # 13-14-0029

### Item No. 1

Violation: Business and Professions Code Section 2660(d)

Description: *Conviction of a crime which is substantially related to the qualifications, functions, or duties of a physical therapist. The record of conviction or a certified copy thereof shall be considered conclusive evidence of that conviction.*

### Item No. 2

Violations: Business and Professions Code Sections 2660(h) and 2239

Description:

*2660(h) ...violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the Medical Practice Act.*

*2239: ...the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely, constitutes unprofessional conduct.*

### Order of Correction

You are hereby ordered to abate this violation immediately and to cease and desist from further violation. Failure to comply with the provisions of this Citation and Order of Abatement within thirty (30) days of receipt may result in further legal action.